

## SUPPORTING STATEMENT

### OMB Control Number 0704-0446 - Defense Federal Acquisition Regulation Supplement (DFARS): Evaluation Factor for Use of Members of the Armed Forces Selected Reserve

#### A. JUSTIFICATION

##### 1. Need for the Information Collection

This is a request for revision of a currently approved collection under OMB Control Number 0704-0446 entitled "Evaluation Factor for Use of Members of the Armed Forces Selected Reserve." DFARS 215.370-3 prescribes the use of the provision at DFARS 252.215-7005, Evaluation Factor for Employing or Subcontracting with Members of the Selected Reserve, in solicitations that include an evaluation factor considering whether an offeror intends to perform the contract using employees or individual subcontractors who are members of the Selected Reserve. When an offeror intends to use employees or individual subcontractors who are members of the Selected Reserve, the provision requires offerors to include documentation with their proposal that supports this intent. Such documentation may include, but is not limited to, existing company documentation indicating the names of the Selected Reserve members who are currently employed by the company, or a statement that positions will be set aside to be filled by Selected Reserve members, along with verifying documentation. This information collection implements a requirement of section 819 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2006 (Pub. L. 109-163).

##### 2. Use of the Information

For those acquisitions in which contracting officials decide to use this evaluation factor as one of the several factors normally used to determine award of a contract, the offeror's information will be used as proof of the offeror's intent to use Selected Reserve members in the performance of the contract.

##### 3. Use of Information technology

Information technology is used 100% of the time to reduce burden. Where both the Government agency and contractors are capable of electronic interchange, contractors may submit this information collection requirement electronically.

##### 4. Non-duplication

As a matter of policy, DoD reviews the Federal Acquisition Regulation (FAR) to determine if adequate language already exists. The language in DFARS part 215 applies solely to DoD and is not considered duplicative of the language in FAR part 15. Since the nature of the documentation requirement is solicitation and offeror specific, similar information is not readily available.

5. Burden on Small Business

The collection of this information is not expected to have a significant impact on a substantial number of small businesses or other small entities. The requirements for this information collection are determined on a case-by-case basis, as the circumstances dictate. Any impact will apply to large and small businesses equally, whenever the solicitation employs an evaluation factor that considers whether an offeror intends to perform the contract using employees or individual subcontractors who are members of the Selected Reserve. The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, and prudent business practices.

6. Less Frequent Collection

Every attempt is made to keep the frequency of this collection to a minimum. The collection is required only when acquisition officials have exercised their discretionary authority to include this criterion as an evaluation factor for award and, then, only if an offeror states an intent to use Selected Reserve members in the performance of the contract. Less frequent collection would not permit DoD to evaluate offers in accordance with the provisions of section 819 of the NDAA for FY 2006.

7. Paperwork Reduction Act Guidelines

There are no special circumstances for collection. Collection of this information is consistent with the guidelines at 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

a. A subject matter expert on DoD policy reviewed the validity of the information collection requirement for the provision to provide estimates of the public burden. The burden, included in paragraph 12 below, reflects the validation of the need for the collection requirement, judgement, and best estimates of the DoD subject matter expert (SME).

b. This information collection is consistent with the guidelines in 5 CFR 1320.6. In accordance with 5 CFR 1320.8(d), public comments were solicited in the *Federal Register* on July 26, 2017 ([82 FR 34648](#)). No comments were received.

c. A notice of submission to OMB for clearance of this information collection was published in the *Federal Register* on September 27, 2017 ([82 FR 44998](#)).

9. Gifts or Payment

DoD will not provide a payment or gift to respondents of this information collection requirement.

10. Confidentiality

This information is disclosed only to the extent consistent with statutory requirements, current regulations, and prudent business practices. The information collected will be disclosed

only to the extent consistent with internal DoD proposal evaluation procedures. During evaluation, the information will be considered “procurement sensitive” and, if the offeror’s proposal is declared “proprietary” by the offeror, it will be treated as such. The collection of information does not require any personally identifiable information (PII) and records are not retrievable by PII; therefore, no Privacy Impact Assessment or Privacy Act System of Records Notice is required.

11. Sensitive Questions

No sensitive questions are involved in the information collection.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The estimated respondent burden is based on information generated from the Federal Procurement Data System (FPDS) using FY 2016 data, Federal Business Opportunities, and other DoD agency websites, as well as estimates of processing times from a DoD SME.

FPDS tracks data on contract awards, not solicitations; therefore, the number of respondents is based on data from the Electronic Data Access website, in conjunction with FPDS, to identify DoD contracts awarded in FY 2016 that included DFARS 252.215-7006. DFARS 252.215-7006 is the clause that accompanies the subject provision. The DFARS clause is incorporated into a contract award when: (1) the use of employees or individual subcontractors who are members of the Selected Reserve was included as an evaluation factor for contract award and (2) the resultant awardee indicated that it intends to use employees or individual subcontractors who are members of the Selected Reserve during contract execution. Of the contracts identified in FPDS, a search of Federal Business Opportunities and various Government websites identified approximately 10 solicitations that may have included the use of Selected Reserve members as an evaluation factor for contract award.

For the 10 solicitations that may have included the use of Selected Reserve members as an evaluation factor for contract award, FPDS data indicates that, on average, five offers were received for each solicitation. Therefore, the Government estimates that a total of 50 responses (10 solicitations X 5 responses per solicitation) were received in response to solicitations that incorporated DFARS 252.215-7005.

The Government estimates that approximately 25 percent (13 respondents) of the offerors that responded to solicitations that included DFARS 252.215-7005 expressed an intention to utilize Selected Reserve personnel in their proposals. The Government estimates that it will take the 13 offerors 20 hours to prepare the documentation that supports their proposed use of Selected Reserve personnel. The estimate of 20 hours per response is based on a review of the complexity and dollar value of the contracts resulting from the seven solicitations that may have included the use of Selected Reserve members as an evaluation factor for contract award.

At an estimated cost of \$36.23 per hour, the annual respondent burden for initial submissions is estimated to be \$9,420. Accordingly, the total estimation of the respondent burden is as follows—

Estimation of Respondent Burden Hours: 252.215-7005	
Number of respondents	13
Responses per respondent	1
Number of responses	13
Hours per response	20
Estimated hours (number of responses multiplied by hours per response)	260
Cost per hour (hourly wage <sup>1</sup> )	\$36
Annual public burden (estimated hours multiplied by cost per hour)	\$9,360

### 13. Respondent Costs Other Than Burden Hour Costs

It is not anticipated that the information collection will generate any additional annualized costs to respondents other than the labor burden costs addressed in Item 12.

### 14. Cost to the Federal Government

In the table below, the number of respondents and the number of responses are based on the same information and calculated in the same manner as discussed in paragraph 12. The estimate of hours spent reviewing and processing the offerors documentation is based on an estimate from a DoD subject matter expert familiar with the provision requirement.

Estimation of Government Burden Hours: 252.215-7005	
Number of respondents	13
Responses per respondent	1
Number of responses	13
Hours per response	1
Estimated hours	13
Cost per hour (hourly wage <sup>1</sup> )	\$36
Annual public burden (estimated hours multiplied by cost per hour)	\$468

<sup>1</sup> Based on the 2016 salary table for GS-9/step 5 salary (\$26.59 an hour for base salary and locality pay) from the OPM General Schedule for Rest of the United States (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/html/RUS.aspx>) plus fringe (1.3625%) consistent with OMB Memo M-08-13, dated March 11, 2008. The rate of \$36.25 is rounded down to \$36.

15. Reasons for Change in Burden

This is a revision of a currently approved public information collection. There has been a change in burden estimates since the last time this collection was reviewed in September 2014.

0704-0446 ICR	2014	2017	Change
Number of respondents	100	13	-87
Responses per respondent	1	1	-
Number of responses	100	13	-87
Hours per response	1	20	+19
Estimated hours	100	260	+160
Cost per hour	\$31	\$36	\$5
Annual public burden	\$3,100	\$9,360	\$6,260

The number of respondents, number of responses, and hours of response changed because the 2017 estimate is based on FPDS data, whereas the 2014 estimate was based on approximation via a subject matter expert. The hours per response changed based on the DoD SME review of the general size and scope of the contracts awarded in FY 2016 that may have included the use of Selected Reserve members as an evaluation factor for contract award. Approximately half of the contracts were solicited for high dollar service efforts that may include numerous labor categories and require many employees; therefore, the SME concluded that the offeror's time to compile the requisite documentation is more appropriately expressed at approximately 20 hours to accommodate the size and scope of approximately half of the solicitations issued that are subject to this requirement. The cost per hour for contractor responses increased from \$31 to \$36 per hour because OPM increased the GS hourly wage for a GS-9, step 5 employee since 2014, and the 2017 hourly rate calculation now includes locality pay in an effort to more effectively project estimated costs.

16. Publication of Results

Results of this collection will not be published.

17. Non-Display of OMB Expiration Date

DoD does not seek approval to not display the expiration dates for OMB approval of the information collection.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.